

## **MINUTES**

### **UTAH CONSTRUCTION SERVICES COMMISSION MEETING**

**June 25, 2008**

**Room 474 Fourth Floor– 9:00 AM  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 9: 07 AM

**ADJOURNED:** 12:00 Noon

**Bureau Manager:  
Board Secretary:**

Dan S. Jones  
Ann Naegelin

**Board Members Present:**

Bradley Stevens, Commission Chairman and  
Electrician Board Chairman  
Steve Bowers  
Carl Tippetts  
Joel Jolley  
Wendy Gibbs

**Board Members Absent:**

David Told, Plumbers Board Chairman  
Larry Love, Burglar Alarm Board Chairman  
John Wilcox

**Guests:**

David Frits, Cooper Creek  
Ed Gongaware, Plumbers Board Member  
David Thompson, Pro Plumbing & Heating  
Jenna Williams, Utah Contractor Center  
Kevin Stevens C M & R LLC  
Jeremy White, Contractor's School, Inc  
Matt Jensen, APCO, Inc

**DOPL Staff Present:**

Ross Ford, Associate Director  
Ray Walker, Regulatory and Compliance Officer  
Dan T. Jones, Investigations Supervisor

#### **TOPICS FOR DISCUSSION**

**ADMINISTRATIVE BUSINESS:  
MINUTES**

#### **DECISIONS AND RECOMMENDATIONS**

The minutes from the May 27, 2008 meeting were reviewed. Mr. Tippetts made a motion to approve the minutes as written. Mr. Jolley seconded the motion. Motion passed by unanimous vote.

Election of a Chairman

Ms. Gibbs made a motion for Mr. Stevens to continue as the Chair. Mr. Jolley seconded the motion. Motion passed by unanimous vote.

Open and Public Meetings Act Training

The Commission reviewed The Open and Public Meeting Act Training.

## **DISCUSSION ITEMS:**

### **INVESTIGATION UPDATES DANIEL T. JONES**

Mr. Daniel Jones reviewed the investigations statistics for May. The number of complaints they are receiving is on the increase. They are writing more citations for unlicensed work. The investigation staff is working with Consumer Protection, Real Estate and DOPL to resolve the complaints. Complaints that cannot be handled by DOPL are referred to Consumer Protection and Real Estate.

Mr. Dan S. Jones reported that DOPL has started the process of sending notifications to contractors requesting liability insurance certificates.

### **PROPOSED RULES CHANGES**

Mr. Jones reviewed some proposed changes to the rules. Mr. Tippetts made a motion to approve the proposed changes to the rules. Ms. Gibbs seconded the motion. Motion passed by unanimous vote. The proposed changes will move forward through the process.

### **REVIEW PROPOSED DISCIPLINARY ACTIONS:**

Aaron Mace, Apprentice Plumber

Mr. Mace was advised that he needed to attend the meeting or his application would be denied. Mr. Gongaware reported that the Plumber Board agrees with the Commission denying the MOU. Mr. Jones reviewed the Memorandum of Understanding for Aaron Mace. Mr. Tippetts made a motion to deny the MOU for Aaron Mace. Ms. Gibbs seconded the motion. Motion passed by unanimous vote.

Ned B Mitchell, Inc, Contractor

Mr. Jones reviewed the Memorandum of Understanding for Ned B. Mitchell, Inc. Mr. Bowers made a motion to approve the MOU. Ms. Gibbs seconded the motion. Motion passed by unanimous vote.

JLS Construction Associates Inc, Contractor

Mr. Jones reviewed the Stipulation and Order for JLS Construction Associates, Inc. Ms. Gibbs made a motion to approve the Stipulation and Order as written. Mr. Tippetts seconded the motion. Motion passed by unanimous vote.

David Louis Thompson, Apprentice Plumber

Mr. Jones reviewed the Memorandum of Understanding for David Louis Thompson. Mr. Thompson answered questions from the Commission members. Mr. Thompson met with the Plumbing Board. The Plumbing Board reviewed and approved the terms of the MOU. Mr. Thompson explained the circumstances that led to his criminal charge. Mr. Tippetts made a motion to approve the MOU with a change to five years of probation. Mr. Bowers seconded the motion. Mr. Thompson is in agreement with the change to five years of probation. Motion passed by unanimous vote.

Cooper Creek Construction Inc, Contractor  
Jason Fritz, qualifier

Mr. Jones reviewed the Memorandum of Understanding for Cooper Creek Construction Inc. Jason Fritz is the qualifier for the license. Mr. Bowers made a motion to approve the Memorandum of Understanding. Mr. Jolley seconded the motion. Mr. Tippetts has concern with granting a probationary license to someone who has ongoing criminal history. Motion passed with four votes in favor. Mr. Tippetts voted against the motion.

C M & K, LLC, contractor  
Kevin Stevens, qualifier

Mr. Jones reviewed the Memorandum of Understanding for C M & K, LLC. Mr. Stevens explained his situation. Mr. Bowers made a motion to accept the MOU as written. Mr. Jolley seconded the motion. Mr. Tippetts is concerned with the number of citations and how recent they are. Motion passed with four votes in favor. Mr. Tippetts voted against the motion.

Good Moral Character

The Commission discussed adding a good moral character to the requirements for a contractor license. Mr. Jones indicated that this is difficult since the license is issued to a business entity. There would need to be definition of which individuals involved in the entity need to be of good moral character. Mr. Walker explained how some other professions have

dealt with this dilemma. Mr. Jones and Mr. Walker will review the different professions with a good moral character requirement already in place and forward the language to the Commission members. Mr. Ford has discussed this with several people in the industry. He will continue to discuss this issue with the industry.

Mr. Jones asked for input from the Commission regarding the terms for MOUs and Stipulations. Mr. Jones indicated that a bright line can be drawn by saying a person must be so many years out of court ordered supervision or treatment.

Mr. Stevens requested that MOUs and Stipulations that are not received by the Division at least one week before the date of the Commission meeting wait to be reviewed at the next meeting.

**HEARING:**

1:00 PM  
American Classic Doors, Inc  
**ADJOURN:**

The hearing was cancelled.

Motion to adjourn by Mr. Tippetts at 12 noon.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

07/23/2008  
Date Approved

(ss) Bradley Stevens  
Chairperson, Construction Services Commission

07/23/2008  
Date Approved

(ss) Dan S. Jones  
Bureau Manager, Division of Occupational & Professional  
Licensing